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<b>APPLICATION NO.</b>	18/02747/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	02.11.2018
<b>APPLICANT</b>	Mr Randall, Haus Mortgages
<b>SITE</b>	4 Market Place, Romsey, SO51 8NB, <b>ROMSEY TOWN (ABBEY)</b>
<b>PROPOSAL</b>	Change of use from retail/cafe (A1/A3) to professional services (A2)
<b>AMENDMENTS</b>	Updated proposal wording to include A1/A3 – 12.12.2018
<b>CASE OFFICER</b>	Miss Sarah Barter

Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

1.1 This application has been referred to the Southern Area Planning Committee in accordance with the Council's scheme of delegation. The application is at committee as the application has been called in by the Local Ward Member.

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is located in Romsey town centre within the historic Market Place and Conservation Area. The building is a grade II listed three storey property with a ground floor shopfront, colourwashed brick elevations and a slate roof. It lies within a terrace of listed buildings of similar age and character. The property fronts onto the pavement and lies within a busy part of the town centre amongst shops and other town centre uses. Until recently the building was occupied by an ice cream parlour.

## 3.0 PROPOSAL

3.1 Change of use from retail/cafe (A1/A3) to professional services (A2).

3.2 The agent has provided some justification for this change as follows: The property is situated effectively in a corner position away from the majority of pedestrian flow which is concentrated on the opposite side of Market Place as shoppers access between Church Street, which has the Post Office located and the prime retail pitch in The Hundred. The agent is also of the opinion that the established pedestrian flow is soon to be further exaggerated with the current alteration works to extend the pedestrianised area linking towards the central roundabout which in turn will further isolate the trading position of the subject premises for retail purposes.

3.3 The agent advises that the current occupier, 'Sundae's Child' ice cream parlour/cafe, who are due to vacate imminently, commenced trading in February 2014 but have been unable to continue trading viably. Prior to this, the premises traded from June 2009 as 'The Style Room' which sold soft furnishings and home interiors items. However they vacated prematurely in May 2013.

3.4 The final comment from the Agent is that the Class A2 uses like that proposed, by their definition are in keeping with many retail locations providing services to visiting members of the public and are deemed permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 in certain circumstances. The intention would be to retain the existing glazed display frontage and hopefully further encourage pedestrian flow in this trading location.

#### 4.0 **HISTORY**

4.1 15/00049/FULLS - Change of use from A1 to mixed A1/A3 to incorporate 18 seats to the ground floor – Permission – 13/04/2015.

4.2 TVS.00503/1 - Use of first and second floors as office/store and retail in conjunction with ground floor shop - Permission – 22/09/1984.

4.3 TVS.LB.235A Installation of new shop front and erection of rear extension, following demolition of existing extension - 4 Market Place, Romsey. Consent subject to conditions - 09/08/1985.

4.4 TVS.503/2 Installation of new shop front and erection of rear extension, following demolition of existing extension - 4 Market Place, Romsey. Consent subject to conditions - 09/08/1985.

#### 5.0 **CONSULTATIONS**

5.1 Policy – Comment:

LE12: Ground Floor Uses in Romsey – The policy states that only class A uses will be permitted within the ground floor units within the primary and secondary frontages fronting a street or pedestrian thoroughfare. The site in question does lie within the primary shopping area within Romsey town centre and does have a primary frontage facing onto Market Place. Allowing the change of usage from class A1 to class A2 would take the proportion of non-class A1 use within the primary shop frontage to 38.92% which exceeds the 35% set out in this policy; the proportion is currently 38.32%. The use class of A2 would not result in a concentration of more than three consecutive units in non-shop (non-class A1) use. This application is in accordance with this policy.

Additional comment when use class of opticians queried –

For the purposes of the Shop Frontages Monitoring Surveys (Local Plan Policy LE12) on ground floor uses in Romsey town centre, I confirm that opticians are classified as being Class A1. This is also the approach consistently taken for the monitoring of such uses in Andover town centre too.

The use of the front of the ground floor premises of the optician at 3 Market Place is considered to be for the display of spectacles for sale, and therefore Class A1.

Taking this approach to 3 Market Place (that it is Class A1 use), would not therefore result in three consecutive uses in non-Class A1 use, were a change of use be made to 4 Market Place from Class A1/A3 to Class A2.

6.0 **REPRESENTATIONS** Expired 07.12.2018

6.1 Romsey Town Council – Objection:

RTC objects as policy LE12 ground floor uses in Romsey of TVBCs adopted local plan 2011 needs to be preserved.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2, E9, LE11, LE12

7.3 Supplementary Planning Documents (SPD)

Romsey Town Design Statement

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Impact on the character and appearance of the conservation area and listed building

8.2 **The principle of development**

The site is located in Romsey Town Centre and within the Romsey Primary Shopping Area where it is desirable to maintain a high proportion of retail uses to offer a choice of retail provision. Together with other town centre uses the Test Valley Borough Local Plan acknowledges that the aim is to secure a range of uses, in order to retain the vitality and viability of the town. Both of the pertinent Southern Test Valley policies regarding the Romsey Town Centre Shopping Areas seek to achieve this, with regard to the use of ground floor units and the existing mix of uses within the vicinity (policies LE11 and LE12).

8.3 Policy LE11 concerns Main Town Centre Uses. The site lies within the town centre boundary of Romsey as well as the primary shopping area within the town centre. The local plan states that main town centre uses (such as large scale retail, office, entertainment and leisure) will be permitted within the town centre of Romsey. The town centre boundary reflects predominantly the leisure and commercial uses of the town. The change of use from A1 usage to A2 means this application remains in accordance with this policy.

8.4 Policy LE12 states the following:

Policy LE12: Ground Floor Uses in Romsey

*Only shops (Class A1 use), financial and professional services (Class A2 use), restaurants and cafes (Class A3 use), drinking establishments (Class A4 use), and hot food takeaways (Class A5 use) will be permitted within the ground floor units within the primary and secondary shopping frontages fronting a street or pedestrian thoroughfare (see Map 4).*

*Within the primary shopping frontages of Romsey, the use of ground floor units fronting a street or pedestrian thoroughfare for financial and professional services (Class A2 use), restaurant and cafes (Class A3 use), drinking establishment (Class A4 use) and hot food takeaways (Class A5 use) will be permitted provided that:*

*a) the proposed use would not result in the number of units in non shop (non-Class A1) use exceeding the proportion of 35%; or*

*b) the proposed use would not result in a concentration of more than three consecutive units in non shop (non-Class A1) use.*

#### 8.5 Policy LE12

The site in question does lie within the primary shopping area within Romsey town centre and does have a primary frontage facing onto Market Place. Allowing the change of use to A2 would introduce a use that is an acceptable Ground Floor use in this location.

#### 8.6 Policy LE12 a)

The proposal would take the proportion of non-class A1 use within the primary shop frontage to 38.92% which exceeds the 35% set out in this policy. Whilst the development exceeds the proportion set out in the policy it is currently at 38.32% and therefore whilst the application does not meet the criteria set out in LE12 a) the proportion is already exceeded before consideration of the current proposal.

8.7 The policy does allow for non A1 uses provided the proposed use does not result in a concentration of more than three consecutive units in non-shop (non-class A1) use. This is discussed below.

#### 8.8 Policy LE12 b)

Across this block on the Market Place are 4 units. The Town Hall (Sui generis), an Estate Agents (A2), an Opticians, the application site (as existing A1/A3), and a solicitors (A2). In order to assess if this aspect of the policy is met the use of the Opticians requires further clarification in its likely use. The planning history for number 3 Market Place shows an application TVS.00777/3 - Use of ground floor office as shop - Permission subject to conditions - 13/03/87. There is no other planning history after this time.

#### 8.9 *The use of the opticians*

The case officer has visited the opticians and can confirm that the front section of the opticians has a large glazed window and entrance door with frames available for sale on stands on both side walls. This creates clear views into this space from the Market Place. There is a cash desk and a small table for the fitting of glasses with other eye related paraphernalia - cases, lense cleaner etc also displayed. There are seats in the window should you need to wait for your appointment. The case officer was advised that there is a further office room to the rear and one consulting room. These are partitioned off from the front area and are not visible from the Market Place.

- 8.10 The land use gazetteer classifies opticians (dispensing) as a D1 use based on its health care emphasis. An Opticians (dispensing) supplies dealers office is a B1 use with the caveat that where retail sales on premises takes place then this could comprise A1(retail). An appeal decision identified (Planning Inspectorate ref: 2161653 at 1 Colham Mill Road, West Drayton, Middlesex) which partially considers the likely use of an optician sets out that it is not correct to base an assessment of which use class applies solely on the amount of floor space given over to the different aspects identified. It states that whilst this may be a material factor it is the primary use of the premises that must be decisive. In the case of the opticians the assessment needs to be whether customers come primarily to have their eyes examined, to buy spectacles, or both.
- 8.11 Whilst the case officer does not have specific data for this optician, it is common practice that a customer who has had an eye examination is not obliged to buy their glasses at the same opticians. Equally, although customers could go elsewhere with their prescription it is also likely that others who had their eyes examined elsewhere could purchase spectacles at the premises.
- 8.12 A significant material factor in this example is that the building has a display window onto the Market Place. It shows glasses and other related goods for sale presented as a shop within the retail setting of the Market Place. The appeal decision identified states that whatever use class the opticians fell into they provided comparison retailing and doubtless attracted shoppers to the town centre. It is considered that this is the case with the opticians at 3 Market Place.
- 8.13 Taking the above matters into consideration it is clear that there is a retail activity ongoing at the unit but it is more likely that, customers visit the opticians both to have their eyes tested and to purchase spectacles. Therefore it is considered that the opticians premises is likely a mixed A1/D1 use.
- 8.14 Conclusion on the principle of this change of use
- In consulting with the policy team they advise for the purposes of the Shop Frontages Monitoring Surveys (Local Plan Policy LE12) on ground floor uses in Romsey town centre, that opticians (this and other opticians in the town) are classified as being Class A1. This is also the approach taken for the monitoring of such uses in Andover town centre.
- 8.15 Whilst some regard must be had for the use which occurs at 3 Market Place (D1) to the rear of the unit it is considered that in the main number 3 clearly represents an active shop frontage within the town centre (A1).
- 8.16 Taking this approach to 3 Market Place (that it is a mix Class A1/D1 use) with the active frontage on the Market Place clearly providing a retail appearance and function (A1 use), it is not considered in this instance that the development would result in three consecutive uses in non-Class A1 use, were a change of use be made to 4 Market Place from Class A1/A3 to Class A2.

8.17 It is considered that the development complies with policy LE12 b) as set out above and that given the presence of the A1 and A2 uses on this block of buildings on the Market Place it is considered that the overall function of the Town Centre would not be significantly affected by this development. This is particularly taking account of the two most recent occupiers who vacated 4 Market Place early and represented an A1 use. In light of this it is considered that the range of uses provided still adds to the vitality and viability of the town centre would be adversely affected or undermined by the creation of an A2 use in this location.

8.18 **Impact on the character and appearance of the conservation area and listed building**

No works are proposed to the structure, fabric, or exterior shopfront of the building under this application. The proposed use would not significantly alter the character of the building or the surrounding area and would not therefore have a significant impact upon its setting or fabric, with regard to TVRBLP policy E9.

9.0 **CONCLUSION**

9.1 The proposed development complies with relevant policy and is considered acceptable.

10.0 **RECOMMENDATION**

**PERMISSION subject to:**

1. **The development hereby permitted shall be begun within three years from the date of this permission.  
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:  
Block plans / site / floor plans  
Reason: For the avoidance of doubt and in the interests of proper planning.**

**Notes to applicant:**

1. **The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
  2. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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